



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,679	11/25/2003	Stephan Schaade	1454.1513	3054
21171 7590 03/19/2008 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
PHAN, TRI H				
ART UNIT		PAPER NUMBER		
2616				
MAIL DATE		DELIVERY MODE		
03/19/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/720,679

Applicant(s)

SCHAADE, STEPHAN

Examiner

TRI H. PHAN

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Chi H Pham/
Supervisory Patent Examiner, Art Unit 2616

3/14/08

Continuation of 11, does NOT place the application in condition for allowance because: The applicant's response to the final rejection, filed on January 9th, 2008, has been considered, but it is not deemed to place the application in condition for allowance, because the limitations argued by applicant are not found to be persuasive. The applicant's arguments, see REMARKs, pages 7-10, appear to overcome the rejection of claims 1-4, 9, 12, 18, and 20-21 under 35 U.S.C. 103(a). The traversal is based on the ground:

- In Response to Arguments, see Remark, pages 6-7, applicant argued that 'TSNB numbers' are not an 'address' "for a connection to an alternate communication device". In fact, the temporary subscriber number TSNB, which is "second address", are assigned and stored in HLR/VLR, e.g. "communication terminal", as subscriber profile through registration request/response as disclosed in Delis: col. 3, lines 5-12; col. 5, lines 30-40, on an as needed basis to define and connect to roaming mobile station through switching node and base station, e.g. "for a connection to an alternate communication device" as disclosed in previous Response to Arguments and final Office action sent on 11/19/2007. Applicant also argued that the default subscriber profile can not be a "standardized terminal profile", since the "standardized terminal profile" would 'not be deleted and be reused by other mobile stations entering the system'. Perhaps applicant refers to certain features, e.g. "first and second addresses", "standardized terminal profile", that are disclosed in the present application but not recited in the rejected claims in making the contention that the Delis reference fails to show certain feature of applicant's invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

- Applicant argued, see REMARKS, pages 10-12, Delis neither teaches, discloses, nor suggests "storing a second address in each communication terminal for a connection to an alternate communication device" as recited in claim 1. In fact, the default subscriber profile for mobile station with MIN and TSNB, e.g. "first/second addresses", is stored/retrieved in HLR and delivered to VLR as disclosed in col. 6, lines 41-61, for storing as specified in col. 5, lines 30-38, e.g. "storing ... in each communication terminal" and "storing in the alternate communication device". Applicant also argued that the default subscriber profile can not be a "standardized terminal profile", since the "standardized terminal profile" is -- permanent -- stored in the alternate communication device and will never be deleted or created again. However, such argued limitation is not recited in the rejected claims in making the contention that the Delis reference fails to show certain feature of applicant's invention. Therefore, Examiner concludes that Delis teaches the arguable features. Claims 10-17 and 19 are rejected as in the final office Action sent on 11/19/2007 and by virtue of their dependence from claim 1.